IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 10TH APRIL 2007 / 20TH CHAITHRA 1929

Bail Appl..No. 2029 of 2007()

CRMP.1239/2007 of J.M.F.C.,KASARAGOD

Crime No.145/07 of Kasaragod Police Station

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: PETITIONERS/ACCUSED 4 AND 5

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1. MOHAMMED RAFEEQUE, S/O KADEEJA,
   H.NO.32/243, NELLIKUNNU, KASARGOD.

2. T.M.MOHAMMED, S/O MOIDEENKUTTY,
   THAIVALAPPIL HOUSE, P.O.MAIPADY,
   KASARGOD, KASARGOD DISTRICT.

BY ADV. SRI.K.K.MOHAMED RAVUF

RESPONDENTS:

THE STATE OF KERALA, REPRESENTED BY
THE STATION HOUSE OFFICER, KASARGOD
POLICE STATION, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 10/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 2029 OF 2007

Dated this the 10th day of April, 2007

O R D E R

Petitioners, who are accused Nos.4 and 5 in Crime No.145/07 of Kasaragod Police Station for offences punishable under sections 143, 147, 148, 353, 324 and 308 read with section 149 IPC, seek anticipatory bail. The occurrence took place at about 8.40 p.m. on 13.2.2007 involving about 50 persons, who are allegedly armed with deadly weapons and had pelted stones at the police party, which was trying to disperse the crowd. Five of the police personnel got injured. The Hero Honda motor cycle, of which the 4th accused is the registered owner, was also taken into custody by the police.

2. Eventhough anticipatory bail cannot be granted in a case of this nature, I am inclined to permit the petitioners to surrender before the Investigating Officer for interrogation and then to have their application for regular bail considered by the Magistrate having jurisdiction. Accordingly, the petitioners are directed to surrender before the Investigating Officer on any day between 17.4.2007 and 19.4.2007 for the purpose of interrogation.

The petitioners shall, thereafter, be produced on the same day before the Magistrate having jurisdiction, who shall consider and dispose of the application for regular bail, if any, filed by the petitioners, preferably on the same date on which it is filed.

This application is disposed of as above.

(V. RAMKUMAR, JUDGE)

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